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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,621	05/23/2000	Ryuji Ishiguro	SONY-T0608	2720
22850	7590	04/14/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			LAFORGIA, CHRISTIAN A	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/576,621

Applicant(s)

ISHIGURO ET AL.

Examiner

Christian La Forgia

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 24 January 2005 has been entered.

2. Claims 1-8 have been presented for examination.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

4. See further rejections that follow.

### ***Claim Rejections***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,883,958 to Ishiguro et al., hereinafter Ishiguro.

Art Unit: 2131

8. As per claims 1 and 4-6, Ishiguro teaches an information processing apparatus comprising:

storage means for storing content data encrypted with an encryption key (column 3, lines 54-65, i.e. “multiple sets of public keys used to encrypt the MPEG-coded video data retrieved from the DVD-ROM”);

holding means for holding management information associated with said content data stored in said storage means, wherein said management information includes calculation information (Figures 5 [block 11], 6, 7, 11, column 3, lines 54-65, column 6, lines 20-36, column 6, line 41 to column 7, line 41, column 8, lines 21-28, i.e. “multiple sets of public keys used to encrypt the MPEG-coded video data retrieved from the DVD-ROM and associated validity flags are recorded as a key table,” “invalid public key is indicated by a validity flag marked by an ‘x’” Since the calculation is dependent on the validity of the public key – the flag indicating whether the public key is valid/invalid serves as calculation information);

calculation means (formulas 1, 2, or 3) for performing a predetermined calculation on the basis of said encryption key (i.e. “a valid public key”) and said calculation information (i.e. validity of the key), said calculation information including updateable information which is updated upon execution of a predetermined operation performed on the content data (i.e. detecting an illegitimate copy, DVDs produced after the detection will have a record of an invalidated flag for that public key) (column 4, line 16 to column 5, line 12, column 8, line 58 to column 9, line 63);

Art Unit: 2131

memory means for storing the result of the calculation performed by said calculation means (column 4, lines 35-50, i.e. "the challenge calculated as described above is sent to controller of the MPEG decoder board");

control means for comparing the result of the calculation performed by said calculation means with a previous calculation result stored in said memory means and controlling use of said content data stored in said storage means in accordance with the result of the comparison (column 4, line 43 to column 5, line 15).

9. Claims 2, 3, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishiguro in view of U.S. Patent No. 6,751,598 to Yagawa et al., hereinafter Yagawa.

10. Regarding claims 2 and 7, Ishiguro does not teach wherein said calculation means performs said calculation by applying a hash function to said calculation information and said encryption key.

11. Yagawa teaches wherein said calculation means performs said calculation by applying a hash function to said calculation information and said encryption key (column 8, line 52-57).

12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply a hash function to the data, since Yagawa states at column 8, lines 52-57 that such a modification would serve as a way to authenticate to continue providing the content to the user.

13. Regarding claims 3 and 8, Ishiguro does not disclose wherein said calculation information includes identification information identifying said data; and said holding means

Art Unit: 2131

holds said update information in an area which is not allowed to be read or written for a general purpose.

14. Yagawa teaches wherein said calculation information includes identification information identifying said data (Figures 1 [block 46], 3 [block 46], 4 [block 436], 5 [blocks 442, 443], 8 [blocks 632, 633, 638], 10 [block 86]; column 6, lines 30-55; column 8, lines 2-18; column 8, line 47 to column 9, line 21; column 10, line 55 to column 11, line 37; column 13, line 55 to column 14, line 43); and

said holding means holds said update information in an area which is not allowed to be read or written for a general purpose (Figures 1 [block 22], 3 [blocks 44, 46], 5 [blocks 441, 442, 443], 8 [blocks 632, 633, 638], 10 [block 84]; column 5, lines 42-56; column 6, lines 30-55; column 9, lines 7-21; column 10, line 55 to column 11, line 36; column 13, lines 18-38).

15. Yagawa does not teach wherein said content data is music data.

16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the invention of Yagawa to music data, since Yagawa states in columns 3 and 4 that the present invention is directed to blocking the piracy of digital data and preventing the use of illegally obtained copies.

### ***Conclusion***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

Art Unit: 2131

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christian LaForgia  
Patent Examiner  
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clf

  
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